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HOUSE BILL 423

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

EDWARD C. SANDOVAL

AN ACT

RELATING TO PUBLIC HEALTH; CREATING STATE AND LOCAL HEALTH FACILITIES AUTHORITIES AND BOARDS; PROVIDING FOR THEIR POWERS AND DUTIES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1 through 10 of this act may be cited as the "Public Health Facilities Authority Act".

Section 2. [NEW MATERIAL] PURPOSE. -- The purpose of the Public Health Facilities Authority Act is to create a statutory mechanism by which public health facilities may be operated in a competitive, less governmentally restricted environment, while maintaining a publicly responsive health care infrastructure that provides quality health care services to the citizens of New Mexico, including continued support for

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1 the indigent population of the state.

2 Section 3. [NEW MATERIAL] DEFINITIONS. --As used in the
3 Public Health Facilities Authority Act:

4 A. "health facility" means a facility or entity
5 licensed by the department of health as a health facility;

6 B. "local authority" means a local public health
7 facilities authority created pursuant to the Public Health
8 Facilities Authority Act;

9 C. "local board" means a local health facilities
10 board created pursuant to the Public Health Facilities
11 Authority Act;

12 D. "public health facility" means a health
13 facility owned or operated by a state agency or institution or
14 an agency or institution of a political subdivision of the
15 state; and

16 E. "state authority" means the public health
17 facilities authority created pursuant to the Public Health
18 Facilities Authority Act.

19 Section 4. [NEW MATERIAL] CREATION OF THE PUBLIC HEALTH
20 FACILITIES AUTHORITY. --

21 A. There is created as a public body politic and
22 corporate, separate and apart from the state, constituting a
23 governmental instrumentality to be known as the "public health
24 facilities authority". The state authority is created to
25 implement the provisions of the Public Health Facilities

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1 Authority Act consistent with the public purposes stated in
2 Section 2 of that act.

3 B. The state authority shall be governed by a
4 board of directors composed of seven members who are residents
5 of New Mexico appointed by the governor, with the advice and
6 consent of the senate. The members shall be appointed in a
7 manner to provide geographic diversity, representation of both
8 public and private interests in the state and persons with
9 knowledge of health care policy with both provider and
10 consumer interests represented.

11 C. Board members shall be appointed for five-year
12 terms. To provide for staggered terms, four of the initially
13 appointed members shall be appointed for terms of five years
14 and three of the initially appointed members shall be
15 appointed for terms of three years. Thereafter, all members
16 shall be appointed for five-year terms. A vacancy on the
17 board shall be filled by appointment by the governor for the
18 remainder of the unexpired term. A member shall serve until
19 his replacement is confirmed by the senate. Board members are
20 eligible for reappointment.

21 Section 5. [NEW MATERIAL] POWERS AND DUTIES OF THE STATE
22 AUTHORITY. --The state authority shall:

23 A. designate areas within the state that
24 constitute local areas for the purpose of creating local
25 boards;

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1 B. create local boards upon receipt of a petition
2 meeting the following conditions:

3 (1) petitioners shall be one or more current
4 operators or owners of a health facility or health facilities
5 to be included within the board's designated local area;

6 (2) petitioners shall submit an operational,
7 business and financial plan on behalf of the health facility
8 or health facilities proposed to be included in a designated
9 local area and shall also submit proposed bylaws of the local
10 board requested to be created;

11 (3) petitioners shall present a list of
12 proposed local board members; and

13 (4) petitioners shall prepare and present a
14 plan, which states the commitment and ability of the public
15 health facility or health facilities within the designated
16 local area to deliver indigent care;

17 C. approve, after legal review and approval by the
18 attorney general the sale, transfer or lease to the local
19 board of public health facilities from local governments or
20 health facilities from private entities, including transfer by
21 exchange;

22 D. establish criteria to require public health
23 facilities to continue to deliver indigent care and remain
24 eligible for medicaid, medicare, state and local health care
25 and indigent care funds;

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1 E. approve the inclusion of a public health
2 facility owned or operated by a state agency or institution to
3 operate as part of any local authority or as part of the state
4 authority;

5 F. establish and review policies to promote access
6 and delivery of quality health care throughout the state to
7 ensure that the creation and operation of local authorities
8 facilitates competition and results in enhanced coordination,
9 accessibility, affordability and efficiency in the delivery of
10 the health care;

11 G. prepare annual reports to the governor and
12 legislature about the status and operation of the state
13 authority and local authorities; and

14 H. exercise the powers granted to local
15 authorities in the event that state-owned public health
16 facilities are operated under the auspices of the state
17 authority.

18 Section 6. [NEW MATERIAL] LOCAL BOARDS--CREATION--
19 COMPOSITION.--

20 A. Local boards shall be created pursuant to
21 petition to and approval by the state authority within areas
22 designated by the state authority for the purpose of owning
23 and operating or leasing public health facilities.

24 B. The membership of a local board shall be
25 representative of the residents of the designated local area

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1 and shall include local government officials, representatives
2 of existing health facility governing boards, health
3 professionals, members of the public, consumer advocates and
4 other interested persons. The original members of the local
5 board, their terms and provisions for replacement of local
6 board members shall be proposed in the petition presented for
7 approval by the state authority.

8 Section 7. [NEW MATERIAL] LOCAL BOARDS-- POWERS AND
9 DUTIES. --Local boards generally have all powers necessary and
10 convenient to carry out and effectuate the provisions of the
11 Public Health Facilities Authority Act pertaining to local
12 boards and have the power to:

13 A. sue and be sued;

14 B. purchase, lease, take, receive or otherwise
15 acquire, own, hold, use and otherwise deal in and with real or
16 personal property;

17 C. sell, convey, lease, pledge, exchange, transfer
18 and otherwise dispose of its assets for the consideration,
19 terms and conditions determined by the local board and in
20 accordance with applicable laws;

21 D. make contracts, incur liabilities and borrow
22 money at such rates of interest as may be determined by the
23 local board, but the local board has no authority to create a
24 debt that would be prohibited by law or the constitution of
25 New Mexico if created by the state or a political subdivision

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1 of the state;

2 E. execute contracts and other instruments
3 necessary or convenient in the exercise of the powers and
4 functions of the local board;

5 F. receive and administer grants and private
6 gifts;

7 G. receive funds from federal, state and local
8 government sources;

9 H. invest and reinvest its funds;

10 I. conduct its activities, carry out its
11 operations and maintain offices and facilities necessary and
12 appropriate to exercise its powers pursuant to the Public
13 Health Facilities Authority Act;

14 J. make and amend bylaws for the administration
15 and regulation of its affairs, including in those bylaws
16 within its discretion provisions indemnifying any person who
17 is a local board member, officer, employee or agent of the
18 local board or a public health facility under its control for
19 liability incurred or claimed for actions taken or not taken
20 within the scope of the person's duties or employment;

21 K. employ officers and employees, set their
22 compensation and describe their duties;

23 L. enter into agreements with insurance carriers
24 to insure against any loss in connection with its operations;

25 M. authorize retirement programs and other

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1 benefits for its salaried officers and employees and salaried
2 officers and employees of a public health facility under its
3 control; and

4 N. employ fiscal consultants, attorneys and other
5 consultants and pay compensation to the persons employed.

6 Section 8. [NEW MATERIAL] EXEMPTIONS FROM CERTAIN
7 LAWS.--The provisions of the following laws shall not apply or
8 shall apply in only a limited manner to the state authority
9 and its board, the local authority and the local board and
10 public health facilities under their respective control or
11 ownership:

12 A. the Personnel Act;

13 B. the Procurement Code and Section 13-6-2.1 NMSA
14 1978;

15 C. those provisions of Section 10-15-2 NMSA 1978
16 specifically exempting certain activities of state and local
17 boards from the provisions of the Open Meetings Act;

18 D. those provisions of Section 14-2-9 NMSA 1978
19 specifically exempting certain records from the provisions of
20 the Inspection of Public Records Act; and

21 E. the Per Diem and Mileage Act.

22 Section 9. [NEW MATERIAL] ISSUANCE OF REVENUE BONDS.--
23 The state authority and a local authority may issue negotiable
24 revenue bonds or notes or both.

25 Section 10. [NEW MATERIAL] DISSOLUTION.--On termination

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1 or dissolution of the state authority or a local authority,
2 all rights and properties of the state authority or the local
3 authority shall be transferred by action of the respective
4 authority or, in the absence of that action, automatically by
5 operation of law, to the state or the local governmental
6 entity from which they were acquired, subject to the rights of
7 any bondholders, lienholders or creditors of the respective
8 authority.

9 Section 11. Section 10-8-3 NMSA 1978 (being Laws 1971,
10 Chapter 116, Section 2, as amended) is amended to read:

11 "10-8-3. DEFINITIONS. -- As used in the Per Diem and
12 Mileage Act:

13 A. "secretary" means the secretary of finance and
14 administration;

15 B. "employee" means any person who is in the
16 employ of any state agency, local public body or public post-
17 secondary educational institution and whose salary is paid
18 either completely or in part from public money, but does not
19 include jurors or jury commissioners;

20 C. "governing board" means the board of regents of
21 any institution designated in Article 12, Section 11 of the
22 constitution of New Mexico or designated in Chapter 21,
23 Article 14 NMSA 1978, or the board of any institution
24 designated in Chapter 21, Articles 13, 16 and 17 NMSA 1978;

25 D. "local public body" means all political

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1 subdivisions of the state and their agencies,
2 instrumentalities and institutions, except public post-
3 secondary educational institutions and the local authorities
4 and local boards created pursuant to the Public Health
5 Facilities Authority Act;

6 E. "state agency" means the state or any of its
7 branches, agencies, departments, boards, instrumentalities or
8 institutions, except public post-secondary educational
9 institutions and the public health facilities authority and
10 its board created pursuant to the Public Health Facilities
11 Authority Act;

12 F. "public post-secondary educational institution"
13 means any institution designated in Article 12, Section 11 of
14 the constitution of New Mexico and any institution designated
15 in Chapter 21, Articles 13, 14, 16 and 17 NMSA 1978; and

16 G. "public officer" or "public official" means
17 every elected or appointed officer of the state, local public
18 body or any public post-secondary educational institution.
19 "Public officer" includes members of advisory boards appointed
20 by any state agency, local public body or public post-
21 secondary educational institution. "

22 Section 12. Section 10-9-4 NMSA 1978 (being Laws 1961,
23 Chapter 240, Section 4, as amended) is amended to read:

24 "10-9-4. COVERAGE OF SERVICE. -- The Personnel Act and the
25 service cover all state positions except:

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1 A. officials elected by popular vote or appointed
2 to fill vacancies to elective offices;

3 B. members of boards and commissions and heads of
4 agencies appointed by the governor;

5 C. heads of agencies appointed by boards or
6 commissions;

7 D. directors of department divisions;

8 E. those in educational institutions and in public
9 schools;

10 F. those employed by state institutions and by
11 state agencies providing educational programs and who are
12 required to hold valid certificates as certified school
13 instructors as defined in Section 22-1-2 NMSA 1978 issued by
14 the state board of education;

15 G. those in the governor's office;

16 H. those in the state militia or the commissioned
17 officers of the New Mexico state police division of the
18 department of public safety;

19 I. those in the governmental instrumentality known
20 as the public health facilities authority created pursuant to
21 the Public Health Facilities Authority Act;

22 ~~[I.]~~ J. those in the judicial branch of
23 government;

24 ~~[J.]~~ K. those in the legislative branch of
25 government;

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1 ~~[K-]~~ L. not more than two assistants and one
2 secretary in the office of each official listed in Subsections
3 A, B and C of this section, excluding members of boards and
4 commissions in Subsection B of this section;

5 ~~[L-]~~ M. those of a professional or scientific
6 nature which are temporary in nature;

7 ~~[M-]~~ N. those filled by patients or inmates in
8 charitable, penal or correctional institutions;

9 ~~[N-]~~ O. state employees if the personnel board in
10 its discretion decides that the position is one of
11 policymaking; and

12 ~~[O-]~~ P. disadvantaged youth under twenty-two years
13 of age regularly enrolled or to be enrolled in a secondary
14 educational institution approved by the state board of
15 education or in an accredited state institution of advanced
16 learning or vocational training and who are to be employed for
17 not more than seven hundred twenty hours during any calendar
18 year:

19 (1) the term "disadvantaged youth" shall be
20 defined for purposes of this exemption by regulation duly
21 promulgated by the board; and

22 (2) the board shall:

23 (a) require that all the criteria of
24 this subsection have been met;

25 (b) establish employment lists for the

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1 certification of the highest-standing candidates to the
2 prospective employers; and

3 (c) establish the pay rates for such
4 employees. "

5 Section 13. Section 10-15-1 NMSA 1978 (being Laws 1974,
6 Chapter 91, Section 1, as amended) is amended to read:

7 "10-15-1. FORMATION OF PUBLIC POLICY--PROCEDURES FOR
8 OPEN MEETINGS--EXCEPTIONS AND PROCEDURES FOR CLOSED MEETINGS.--

9 A. In recognition of the fact that a representative
10 government is dependent upon an informed electorate, it is
11 declared to be public policy of this state that all persons are
12 entitled to the greatest possible information regarding the
13 affairs of government and the official acts of those officers
14 and employees who represent them. The formation of public
15 policy or the conduct of business by vote shall not be
16 conducted in closed meeting. All meetings of any public body
17 except the legislature and the courts shall be public meetings,
18 and all persons so desiring shall be permitted to attend and
19 listen to the deliberations and proceedings. Reasonable
20 efforts shall be made to accommodate the use of audio and video
21 recording devices.

22 B. All meetings of a quorum of members of any
23 board, commission, administrative adjudicatory body or other
24 policymaking body of any state agency, any agency or authority
25 of any county, municipality, district or any political

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1 subdivision, held for the purpose of formulating public policy,
2 including the development of personnel policy, rules,
3 regulations or ordinances, discussing public business or for
4 the purpose of taking any action within the authority of or the
5 delegated authority of any board, commission or other
6 policymaking body are declared to be public meetings open to
7 the public at all times, except as otherwise provided in the
8 constitution of New Mexico or the Open Meetings Act. No public
9 meeting once convened that is otherwise required to be open
10 pursuant to the Open Meetings Act shall be closed or dissolved
11 into small groups or committees for the purpose of permitting
12 the closing of the meeting.

13 C. If otherwise allowed by law or rule of the
14 public body, a member of a public body may participate in a
15 meeting of the public body by means of a conference telephone
16 or other similar communications equipment when it is otherwise
17 difficult or impossible for the member to attend the meeting in
18 person, provided that each member participating by conference
19 telephone can be identified when speaking, all participants are
20 able to hear each other at the same time and members of the
21 public attending the meeting are able to hear any member of the
22 public body who speaks during the meeting.

23 D. Any meetings at which the discussion or adoption
24 of any proposed resolution, rule, regulation or formal action
25 occurs and at which a majority or quorum of the body is in

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1 attendance, and any closed meetings, shall be held only after
2 reasonable notice to the public. The affected body shall
3 determine at least annually in a public meeting what notice for
4 a public meeting is reasonable when applied to that body. That
5 notice shall include broadcast stations licensed by the federal
6 communications commission and newspapers of general circulation
7 that have provided a written request for such notice.

8 E. A public body may recess and reconvene a meeting
9 to a day subsequent to that stated in the meeting notice if,
10 prior to recessing, the public body specifies the date, time
11 and place for continuation of the meeting and, immediately
12 following the recessed meeting, posts notice of the date, time
13 and place for the reconvened meeting on or near the door of the
14 place where the original meeting was held and in at least one
15 other location appropriate to provide public notice of the
16 continuation of the meeting. Only matters appearing on the
17 agenda of the original meeting may be discussed at the
18 reconvened meeting.

19 F. Meeting notices shall include an agenda
20 containing a list of specific items of business to be discussed
21 or transacted at the meeting or information on how the public
22 may obtain a copy of such an agenda. Except in the case of an
23 emergency, the agenda shall be available to the public at least
24 twenty-four hours prior to the meeting. Except for emergency
25 matters, a public body shall take action only on items

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1 appearing on the agenda. For purposes of this subsection, an
2 "emergency" refers to unforeseen circumstances that, if not
3 addressed immediately by the public body, will likely result in
4 injury or damage to persons or property or substantial
5 financial loss to the public body.

6 G. The board, commission or other policymaking body
7 shall keep written minutes of all its meetings. The minutes
8 shall include at a minimum the date, time and place of the
9 meeting, the names of members in attendance and those absent,
10 the substance of the proposals considered and a record of any
11 decisions and votes taken that show how each member voted. All
12 minutes are open to public inspection. Draft minutes shall be
13 prepared within ten working days after the meeting and shall be
14 approved, amended or disapproved at the next meeting where a
15 quorum is present. Minutes shall not become official until
16 approved by the policymaking body.

17 H. The provisions of Subsections A, B and G of this
18 section do not apply to:

19 (1) meetings pertaining to issuance,
20 suspension, renewal or revocation of a license, except that a
21 hearing at which evidence is offered or rebutted shall be open.
22 All final actions on the issuance, suspension, renewal or
23 revocation of a license shall be taken at an open meeting;

24 (2) limited personnel matters; provided that
25 for purposes of the Open Meetings Act, "limited personnel

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1 matters" means the discussion of hiring, promotion, demotion,
2 dismissal, assignment or resignation of or the investigation or
3 consideration of complaints or charges against any individual
4 public employee; provided further that this subsection is not
5 to be construed as to exempt final actions on personnel from
6 being taken at open public meetings, nor does it preclude an
7 aggrieved public employee from demanding a public hearing.

8 Judicial candidates interviewed by any commission shall have
9 the right to demand an open interview;

10 (3) deliberations by a public body in
11 connection with an administrative adjudicatory proceeding. For
12 purposes of this paragraph, an "administrative adjudicatory
13 proceeding" means a proceeding brought by or against a person
14 before a public body in which individual legal rights, duties
15 or privileges are required by law to be determined by the
16 public body after an opportunity for a trial-type hearing.

17 Except as otherwise provided in this section, the actual
18 administrative adjudicatory proceeding at which evidence is
19 offered or rebutted and any final action taken as a result of
20 the proceeding shall occur in an open meeting;

21 (4) the discussion of personally identifiable
22 information about any individual student, unless the student,
23 his parent or guardian requests otherwise;

24 (5) meetings for the discussion of bargaining
25 strategy preliminary to collective bargaining negotiations

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1 between the policymaking body and a bargaining unit
2 representing the employees of that policymaking body and
3 collective bargaining sessions at which the policymaking body
4 and the representatives of the collective bargaining unit are
5 present;

6 (6) that portion of meetings at which a
7 decision concerning purchases in an amount exceeding two
8 thousand five hundred dollars (\$2,500) that can be made only
9 from one source and that portion of meetings at which the
10 contents of competitive sealed proposals solicited pursuant to
11 the Procurement Code are discussed during the contract
12 negotiation process. The actual approval of purchase of the
13 item or final action regarding the selection of a contractor
14 shall be made in an open meeting;

15 (7) meetings subject to the attorney-client
16 privilege pertaining to threatened or pending litigation in
17 which the public body is or may become a participant;

18 (8) meetings for the discussion of the
19 purchase, acquisition or disposal of real property or water
20 rights by the public body;

21 (9) those portions of meetings of committees
22 or boards of public hospitals that receive less than fifty
23 percent of their operating budget from direct public funds and
24 appropriations where strategic and long-range business plans
25 are discussed; [and]

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1 (10) that portion of a meeting of the gaming
2 control board dealing with information made confidential
3 pursuant to the provisions of the Gaming Control Act; and

4 (11) meetings of the board of directors of
5 the public health facilities authority or a local board of a
6 local public health facilities authority held pursuant to the
7 provisions of the Public Health Facilities Authority Act .

8 I. If any meeting is closed pursuant to the
9 exclusions contained in Subsection H of this section, the
10 closure:

11 (1) if made in an open meeting, shall be
12 approved by a majority vote of a quorum of the policymaking
13 body; the authority for the closure and the subject to be
14 discussed shall be stated with reasonable specificity in the
15 motion calling for the vote on a closed meeting; the vote shall
16 be taken in an open meeting; and the vote of each individual
17 member shall be recorded in the minutes. Only those subjects
18 announced or voted upon prior to closure by the policymaking
19 body may be discussed in a closed meeting; and

20 (2) if called for when the policymaking body
21 is not in an open meeting, shall not be held until public
22 notice, appropriate under the circumstances, stating the
23 specific provision of the law authorizing the closed meeting
24 and stating with reasonable specificity the subject to be
25 discussed is given to the members and to the general public.

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1 J. Following completion of any closed meeting, the
2 minutes of the open meeting that was closed or the minutes of
3 the next open meeting if the closed meeting was separately
4 scheduled shall state that the matters discussed in the closed
5 meeting were limited only to those specified in the motion for
6 closure or in the notice of the separate closed meeting. This
7 statement shall be approved by the public body under Subsection
8 G of this section as part of the minutes."

9 Section 14. Section 13-1-98 NMSA 1978 (being Laws 1984,
10 Chapter 65, Section 71, as amended) is amended to read:

11 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE. -- The
12 provisions of the Procurement Code shall not apply to:

13 A. procurement of items of tangible personal
14 property or services by a state agency or a local public body
15 from a state agency, a local public body or external
16 procurement unit except as otherwise provided in Sections
17 13-1-135 through 13-1-137 NMSA 1978;

18 B. procurement of tangible personal property or
19 services for the governor's mansion and grounds;

20 C. printing and duplicating contracts involving
21 materials which are required to be filed in connection with
22 proceedings before administrative agencies or state or federal
23 courts;

24 D. purchases of publicly provided or publicly
25 regulated gas, electricity, water, sewer and refuse collection

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1 services;

2 E. purchases of books and periodicals from the
3 publishers or copyright holders thereof;

4 F. travel or shipping by common carrier or by
5 private conveyance or to meals and lodging;

6 G. purchase of livestock at auction rings or to the
7 procurement of animals to be used for research and
8 experimentation or exhibit;

9 H. contracts with businesses for public school
10 transportation services;

11 I. procurement of tangible personal property or
12 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
13 by the corrections industries division of the corrections
14 department pursuant to regulations adopted by the corrections
15 [~~industries~~] commission, which shall be reviewed by the
16 purchasing division of the general services department prior to
17 adoption;

18 J. minor purchases consisting of magazine
19 subscriptions, conference registration fees and other similar
20 purchases where prepayments are required;

21 K. municipalities having adopted home rule charters
22 and having enacted their own purchasing ordinances;

23 L. the issuance, sale and delivery of public
24 securities pursuant to the applicable authorizing statute, with
25 the exception of bond attorneys and general financial

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1 consultants;

2 M contracts entered into by a local public body
3 with a private independent contractor for the operation, or
4 provision and operation, of a jail pursuant to Sections 33-3-26
5 and 33-3-27 NMSA 1978;

6 N. contracts for maintenance of grounds and
7 facilities at highway rest stops and other employment
8 opportunities, excluding those intended for the direct care and
9 support of persons with handicaps, entered into by state
10 agencies with private, nonprofit, independent contractors who
11 provide services to persons with handicaps;

12 O. contracts and expenditures for services to be
13 paid or compensated by money or other property transferred to
14 New Mexico law enforcement agencies by the United States
15 department of justice drug enforcement administration;

16 P. contracts for retirement and other benefits
17 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978; [and]

18 Q. contracts with professional entertainers; and

19 R. procurement of tangible personal property or
20 services by a local public health facilities authority pursuant
21 to the Public Health Facilities Authority Act. "

22 Section 15. Section 13-6-2.1 NMSA 1978 (being Laws 1989,
23 Chapter 380, Section 1) is amended to read:

24 "13-6-2.1. LEASES-- BOARD OF FINANCE APPROVAL. --

25 A. Any sale, trade or lease for a period of more

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1 than five years but less than twenty-five years in duration of
2 real property belonging to any state agency, local public body,
3 school district or state educational institution or any sale,
4 trade or lease of such real property for a consideration of
5 more than twenty-five thousand dollars (\$25,000) but less than
6 one hundred thousand dollars (\$100,000) shall not be valid
7 unless it is approved prior to its effective date by the state
8 board of finance.

9 B. The provisions of this section shall not be
10 applicable as to those institutions specifically enumerated in
11 Article 12, Section 11 of the constitution of New Mexico, the
12 state land office, [~~or~~] the state highway commission or the
13 public health facilities authority or a local public health
14 facilities authority created pursuant to the provisions of the
15 Public Health Facilities Authority Act. "

16 Section 16. Section 14-2-6 NMSA 1978 (being Laws 1993,
17 Chapter 258, Section 3) is amended to read:

18 "14-2-6. DEFINITIONS.--As used in the Inspection of
19 Public Records Act:

20 A. "custodian" means any person responsible for the
21 maintenance, care or keeping of a public body's public records,
22 regardless of whether the records are in that person's actual
23 physical custody and control;

24 B. "inspect" means to review all public records
25 that are not excluded in Section 14-2-1 NMSA 1978;

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1 C. "person" means any individual, corporation,
2 partnership, firm, association or entity;

3 D. "public body" means the executive, legislative
4 and judicial branches of state and local governments and all
5 advisory boards, commissions, committees, agencies or entities
6 created by the constitution or any branch of government that
7 receives any public funding, including political subdivisions,
8 special taxing districts, school districts and institutions of
9 higher education but "public body" does not include the public
10 health facilities authority or a local public health facilities
11 authority created pursuant to the Public Health Facilities
12 Authority Act; and

13 E. "public records" means all documents, papers,
14 letters, books, maps, tapes, photographs, recordings and other
15 materials, regardless of physical form or characteristics, that
16 are used, created, received, maintained or held by or on behalf
17 of any public body and relate to public business, whether or
18 not the records are required by law to be created or
19 maintained. "

20 Section 17. SEVERABILITY. --If any part or application of
21 the Public Health Facilities Authority Act is held invalid, the
22 remainder or its application to other situations or persons
23 shall not be affected.

24 Section 18. EFFECTIVE DATE. --The effective date of the
25 provisions of this act is July 1, 1998.

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3 FORTY-THIRD LEGISLATURE
4 SECOND SESSION, 1998
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8 February 9, 1998
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11 Mr. Speaker:
12

13 Your RULES AND ORDER OF BUSINESS COMMITTEE, to
14 whom has been referred
15

16 HOUSE BILL 423
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18
19 has had it under consideration and finds same to be GERMANE
20 in accordance with constitutional provisions.
21

22 Respectfully submitted,
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Underscored material = new
[bracketed material] = delete

R. David Pederson, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Nicely, Olguin, Rodella, Ryan, Sanchez, Taylor, J.G.,
Williams, S.M

Absent: None

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